

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ROSA HAMPTON, Individually, and	)	
As Administrator of the Estate of	)	
MAURICE HAMPTON, and On Behalf of	)	
The Minor Children of The ESTATE OF	)	
MAURICE HAMPTON,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION FILE
V.	)	NO. 1:13-CV-00584-TWT
	)	
THOMAS ATZERT JR., Individually, and	)	
In His Capacity as a City of Atlanta	)	
Police Officer, and the CITY OF	)	
ATLANTA, Georgia,	)	
	)	
Defendants.	)	
_____	)	

**CITY DEFENDANTS' INITIAL DISCLOSURES**

COME NOW City of Atlanta and Thomas Atzert, Jr ("City Defendants")  
and make their initial disclosures as follows:

*If any of the defendants are improperly identified, state defendants correct identification and state whether such defendant(s) will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.*

**RESPONSE:** City Defendants contend that they are properly

identified.

**(1)** *Provide the names of any parties whom defendants contend are necessary parties to this action, but who have not been named by plaintiff. If defendants contend that there is a question of misjoinder of parties, provide the reasons for defendants' contention.*

**RESPONSE:** City Defendants do not contend that there is a question of misjoinder of parties.

**(2)** *Provide a detailed factual basis for the defense or defenses and any counterclaims or cross-claims asserted by defendants in the responsive pleading.*

**RESPONSE:** On June 30, 2011 Officer Atzert initiated a traffic stop against Plaintiff who committed a traffic violation. Once the vehicle stopped, Plaintiff immediately fled from the Officer. Officer Atzert chased and eventually caught up to Plaintiff. A struggle ensued and Officer Atzert deployed his OC spray. During the struggle, Plaintiff took the OC spray from him and sprayed Officer Atzert. In an attempt to control the situation, Officer Atzert then attempted to use his ASP baton. In response,

Plaintiff took the officer's ASP baton and began beating Officer Atzert about the head. Finally, in an attempt to prevent himself from being seriously injured by Plaintiff, Officer Atzert drew his weapon and fired one shot striking Plaintiff.

**(4) *Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which Defendants contend are applicable to this action.***

**RESPONSE:** Plaintiff brings his claims under 42 U.S.C. §1983 and state law, thus, all federal and state regulations and the case law interpreting these statutes (as decided by the United States Supreme Court, the Eleventh Circuit, the district courts therein, and other persuasive precedent).

**(5) *Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subject of the information. (Attach witness list to Initial Disclosures as Attachment A).***

**RESPONSE:** See Attachment A.

**(6)** *Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in F.R.Civ. P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports as Attachment B).*

**RESPONSE:** City Defendants have not retained any experts as of the making of these disclosures. City Defendants reserve the right to supplement this response at such time as any expert is retained.

**(7)** *Provide a copy of, or description by category and location of, all documents, data, compilations, and tangible things in your possession, custody, or control that are relevant to the disputed facts alleged with particularity in the pleadings. (Attach document list and descriptions to Initial Disclosures as Attachment C).*

**RESPONSE:** See Attachment C.

**(8)** *In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of or description by*

*category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under F.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D).*

**RESPONSE:** City Defendants have not alleged any damages except costs and fees for defending this action. City Defendants reserve the right to amend this response.

*(9) If defendants contend that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendants in this matter, state the full name, address and telephone number of such person or entity and describe in detail the basis of such liability.*

**RESPONSE:** City Defendants allege that they are not liable to Plaintiff and that all of Plaintiff's injuries resulted from his confrontation with Officer Atzert, who was forced to defend himself against Plaintiff's violent attack. City Defendants reserve the right to amend this response should discovery reveal parties who may be liable to Plaintiff.

**(10) *Attach for inspection and copying as under F.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse from payments to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E).***

**RESPONSE:** City Defendants do not have such insurance coverage.

Respectfully submitted this 15th day of July, 2013.

/s/Veronica L. Hoffler  
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Chief Counsel  
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**Attachment A**

1. All individuals named in Plaintiff's Complaint and Initial Disclosures
2. Thomas Atzert
3. FBI investigative staff
4. OPS investigative staff

All City employees can be reached through the undersigned counsel.

### **ATTACHMENT C**

- City of Atlanta Code of Ordinances
- City of Atlanta Police Department's HR standard operating procedures, employee handbooks, policies, rules, manuals and guidelines governing employees
- OPS investigation of Officer Atzert
- Atzert's personnel, training and OPS file
- Any documents listed by Plaintiff in Plaintiff's Initial Disclosures



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Police Officer, and the CITY OF	)	
ATLANTA, Georgia,	)	
	)	
Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on July 15th, 2013, I electronically filed the foregoing **CITY DEFENDANTS' INITIAL DISCLOSURES** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification to the attorneys of record.

/s/ Veronica L. Hoffler  
VERONICA L. HOFFLER  
Assistant City Attorney